

By CLAYTON

H.B. No. _____

A BILL TO BE ENTITLED

AN ACT

authorizing the State Soil and Water Conservation Board to receive and expend moneys for certain projects and programs; providing that the board may enter into certain agreements and contracts; providing that the board may construct, improve, maintain and operate certain structures and facilities; providing that the board may purchase, lease, or otherwise acquire, and administer certain projects and programs; providing that the board may acquire and dispose of both real and personal property in furtherance of the purposes and provisions of this Act; providing that the board may enact and promulgate certain rules and regulations; providing that certain funds received by the board shall be deposited with the state treasurer; providing for the manner in which such funds deposited with the state treasurer may be withdrawn; making certain provisions relating to the board's use of appropriations; providing that all laws or parts of laws in conflict with this Act are repealed to the extent of the conflict; providing a severability clause; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The State Soil and Water Conservation Board is authorized to receive and expend moneys from the United States or any of its agencies, the State of Texas and any of its agencies, political subdivisions of the state, and other organizations and individuals for any projects or programs established for the purpose of conserving, developing and utilizing the soil and water ~~and other related renewable natural resources~~ of the State of Texas. Such projects or programs shall include but not be limited to the projects and programs sponsored or directed by the various soil and water conservation districts and other political subdivisions and agencies of the State of Texas; and agencies of the federal government.

Sec. 2. The State Soil and Water Conservation Board is authorized to enter into agreements and contracts with agencies of the federal government; agencies of the State of Texas and adjoining states and any political subdivisions of the state, including cities, counties, water districts, river authorities, soil and water conservation districts and special districts or any other

1 organizations and individuals for the purpose of conserving,
2 developing and utilizing the soil and water ~~and related renewable~~
3 ~~natural resources of the State of Texas.~~

4 Sec. 3. The State Soil and Water Conservation Board is
5 hereby authorized to construct, improve, maintain and operate such
6 structures and facilities either individually or jointly with the
7 United States or any of its agencies, the State of Texas or any of
8 its agencies, political subdivisions of the State of Texas, and
9 any other organizations or individuals for the conservation,
10 development, and utilization of the soil and water ~~and other~~
11 ~~related renewable natural resources of the state.~~

12 Sec. 4. The State Soil and Water Conservation Board is
13 hereby authorized to take over by purchase, lease, or otherwise,
14 and to administer any project established for the purpose of
15 conserving, developing and utilizing the soil and water ~~and other~~
16 ~~renewable natural resources in the state undertaken by the United~~
17 ~~States or any of its agencies,~~ the State of Texas and any of its
18 agencies and political subdivisions; to manage, as agent of the
19 United States and any of its agencies; or of this state and any of
20 its agencies or political subdivisions, any project or program in
21 furthering the objectives and purposes of this Act.

22 Sec. 5. The State Soil and Water Conservation Board is
23 hereby authorized to acquire property both real and personal by
24 purchase, lease, gift, grant, bequest, devise, or otherwise, and
25 may dispose of any of its property or interests therein in further-
26 ~~ance of the purposes and provisions of this Act.~~

27 Sec. 6. The State Soil and Water Conservation Board may
28 enact and promulgate such rules and regulations as it deems neces-
29 sary for the performance of functions under the provisions of this
30 Act and other soil conservation laws of Texas.

31 ~~Sec. 7. All funds received from the federal {government} or~~
32 ~~any other source which come within the scope of this Act shall be~~
33 ~~deposited with the state treasurer in a special {trust} fund which~~
34 ~~shall be known as the "Natural Resource Conservation and Development~~
35 ~~Fund." The "Natural Resource Conservation and Development Fund"~~
36 ~~shall {not} be a part of the state treasury. The treasurer of the~~
37 ~~State of Texas shall be the custodian of the "Natural Resource~~
38 ~~Conservation and Development Fund" and all payments from said fund~~
39 ~~shall be made by him on warrants drawn by the state comptroller of~~
40 ~~public accounts supported {only} upon vouchers signed by the~~
41 ~~executive director or other designated person or persons of the~~
42 ~~State Soil and Water Conservation Board. A duly attested copy of a~~
43 ~~resolution of the State Soil and Water Conservation Board design-~~
44 ~~ating such person or persons shall be filed with the state~~
45 ~~comptroller of public accounts as his authority for issuing such~~
46 ~~warrants.~~

47 Sec. 8. The State Soil and Water Conservation Board is
48 authorized to use appropriations for administrative costs and the
49 operation of programs established under this Act or as it may be
50 hereafter amended, including but not limited to the payment of
51 salaries, travel expense, rent, bond premiums, postage, telephone
52 and telegraph, freight, express, stationery, printed forms, office
53 supplies, equipment, repairs, maintenance and contingent expense.
54

1 Sec. 9. All laws or parts of laws in conflict with this Act
2 are hereby repealed to the extent of such conflict only.

3 Sec. 10. If any section, subsection, paragraph, sentence,
4 clause, phrase, or word in this Act, or application thereof to any
5 person or circumstance is held invalid, such holding shall not
6 affect the validity of the remaining portions of this Act, and the
7 Legislature hereby declares it would have passed such remaining
8 portions despite such invalidity.

9 Sec. 11. The importance of this legislation and the crowded
10 condition of the calendars in both houses create an emergency and
11 an imperative public necessity that the Constitutional Rule
12 requiring bills to be read on three several days in each house be
13 suspended, and this Rule is hereby suspended.
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FORM B

(For favorable reports on bills where committee amendments other than "committee substitutes" are recommended; and for resolutions where committee amendments, including complete substitutes, are recommended.)

COMMITTEE REPORT

Date *March 20, 1967*

HON. BEN BARNES

Speaker of the House of Representatives.

Sir:

We, your Committee on *State Affairs*, to whom was referred *HB* No. *172*, have had the same under consideration and beg to report back with recommendation that it do pass, as amended, and be printed.

Beery
Chairman.

(In the case of simple and concurrent resolutions the words "and be printed" should be stricken out since resolutions are printed in the Journal when they are first introduced.)

The word "not" should be inserted before "printed" only in case of a local bill reported favorably with amendments and ordered not printed, which is customary for local bills.)

BILL ANALYSIS

1. BACKGROUND INFORMATION

In the past the Soil and Water Conservation Board has served primarily in a coordinating capacity; now emphasis is being placed on project-type programs.

Since 1939 the only additional authority granted to the Board has been that of being permitted to negotiate with the federal government to plan projects involving state funds. Under present statutes the Board has no clear cut authority to handle funds from local private sources, and, therefore, its conservation work has been somewhat curtailed.

2. WHAT THE BILL PROPOSES TO DO

H.B. 172 permits the Soil and Water Conservation Board to receive and expend money, to enter into agreements and to operate facilities all for the purpose of conserving, developing and utilizing the state's resources.

3. SECTION BY SECTION ANALYSIS

For the purpose of conserving, developing and utilizing the state's soil, water and resources defined in Article 165a-4, Vernon's Texas Civil Statutes, the Soil and Water Conservation Board is authorized to:

- Section 1. Receive and use money for projects and programs.
- Section 2. Make agreements and contracts.
- Section 3. Construct and operate facilities.
- Section 4. Purchase, etc. and administer any project.

Section 5. Authorizes the Board to acquire property and to dispose of any of its property or interests.

Section 6. Permits the Board to enact rules and regulations necessary to carry out its functions under this Act and under soil conservation laws.

Section 7. Requires funds received under this Act to be deposited in the Soil and Water Conservation Development Fund of which the treasurer is custodian. Prescribes the rules under which the Fund is to be administered.

Section 8. Authorizes the Board to use appropriations for administrative costs and the operation of programs under this Act.

Section 9. Repeals conflicting laws.

Section 10. Provides a severability clause.

Section 11. Declares an emergency.

4. SUMMARY OF COMMITTEE ACTION

H.B. 172 was reported favorably with five committee amendments.

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COMMITTEE AMENDMENT

NO. 1

AMEND H. B. 172 as follows:

Amendment No. 1:

By deleting a portion of the first sentence of Section 1. after the word "Water" appears the second time to the end of the sentence the following "and other related renewable natural resources of the State of Texas". and adding the following punctuation and language: "Conservation resources as defined in Article 165a-4, "State Soil Conservation Law", Vernon's Civil Statutes."

John Simpson

DATE APR 12 1967

READ AND ADOPTED
James Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

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COMMITTEE AMENDMENT

NO. 2

AMEND H. B. 172 as follows:

Amendment No. 2:

By deleting a portion of the first sentence of Section 2. after the word "water" appears the second time to the end of the sentence the following "and other related renewable natural resources of the State of Texas". and adding the following punctuation and language: "Conservation resources as defined in Article 165a-4, State Soil Conservation Law", Vernon's Civil Statutes."



DATE APR 12 1967

READ AND ADOPTED
Dorothy Hallman
CLERK
HOUSE OF REPRESENTATIVES

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AMENDMENT TO H. B. 172

Amendment No. 3:

By deleting a portion of the first sentence of Section 3. after the word "Water" appears the second time to the end of the sentence the following "and other related renewable natural resources of the State of Texas". and adding the following punctuation and language: "Conservation resources as defined in Article 165a-4, "State Soil Conservation Law", Vernon's Civil Statutes."



DATE APR 12 1967

READ AND ADOPTED
Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

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COMMITTEE AMENDMENT

NO. 4

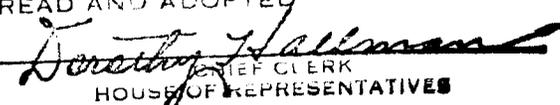
AMEND H. B. 172 as follows:

AMENDMENT No. 4:

By deleting a portion of the first sentence of Section 4. after the word "Water" appears the second time to the next comma of the sentence the following "and other renewable natural resources in the State undertaken by the United States or any of its agencies, " and adding the following punctuation and language: "Conservation resources as defined in Article 165a-4, "State Soil Conservation Law", Vernon's ¹⁹⁶⁶ Civil Statutes, in the State undertaken by the United States or any of its agencies,"



DATE APR 12 1967

READ AND ADOPTED

CHIEF CLERK
HOUSE OF REPRESENTATIVES

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COMMITTEE AMENDMENT

NO. 5

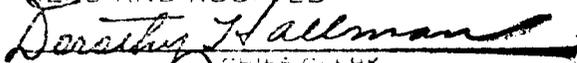
AMENDMENT FOR H. B. 172

Amendment No. 5:

By amending Section 7 to read as follows: "Sec. 7. All funds received from the Federal or any other source which come within the scope of this Act shall be deposited with the State Treasurer in a special fund which shall be known as the "Soil and Water Conservation and Development Fund." The "Soil and Water Conservation Development Fund" shall be a part of the State Treasury. The Treasurer of the State of Texas shall be the custodian of the "Soil and Water Conservation and Development Fund" and all payments from said Fund shall be made by him on warrants drawn by the State Comptroller of Public Accounts supported by vouchers signed by the Executive Director or other designated person or persons of the State Soil and Water Conservation Board. A duly attested copy of a resolution of the State Soil and Water Conservation Board designating such person or persons shall be filed with the State Comptroller of Public Accounts as his authority for issuing such warrants.



DATE APR 12 1967

READ AND ADOPTED

 CHIEF CLERK
 HOUSE OF REPRESENTATIVES

17.3

~~Dorothy Hallman~~

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Mr. ~~Stacy~~ asks unanimous consent of the House that the Enrolling and Engrossing Clerk of the House be and is hereby authorized to correct certain typographical omissions in Committee Amendment No. 5 which substituted a new Section 7 to H.B. No. 172 which passed the House on April 12, 1967. The intent of said Amendment was only to change the name of the fund for deposit of moneys received by said Board with the State Treasury. Said Section 7 shall read as follows:

"Sec. 7. All funds received from the federal government or any other source which come within the scope of this Act shall be deposited with the state treasurer in a special trust fund which shall be known as the "Soil and Water Conservation and Development Fund." The "Soil and Water Conservation and Development Fund" shall not be a part of the state treasury. The treasurer of the State of Texas shall be the custodian of the "Soil and Water Conservation and Development Fund" and all payments from said fund shall be made by him on warrants drawn by the state comptroller of public accounts supported only upon vouchers signed by the executive director or other designated person or persons of the State Soil and Water Conservation Board. A duly attested copy of a resolution of the State Soil and Water Conservation Board designating such person or persons shall be filed with the state comptroller of public accounts as his authority for issuing such warrants."

APR 17 1967

Dorothy Hallman

Chief Clerk, House of Representatives

By: Clayton

H.B. No. 172

A BILL TO BE ENTITLED

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The State Soil and Water Conservation Board is authorized to receive and expend moneys from the United States or any of its agencies, the State of Texas and any of its agencies, political subdivisions of the state, and other organizations and individuals for any projects or programs established for the purpose of conserving, developing and utilizing the soil and water

conservation resources as defined in Article 165a-4, "State Soil Conservation Law," Vernon's Texas Civil Statutes. Such projects or programs shall include but not be limited to the projects and programs sponsored or directed by the various soil and water conservation districts and other political subdivisions and agencies of the State of Texas; and agencies of the federal government.

Sec. 2. The State Soil and Water Conservation Board is authorized to enter into agreements and contracts with agencies of the federal government; agencies of the State of Texas and adjoining states and any political subdivisions of the state, including cities, counties, water districts, river authorities, soil and water conservation districts and special districts or any other organizations and individuals for the purpose of conserving, developing and utilizing the soil and water conservation resources as defined in Article 165a-4, "State Soil Conservation Law," Vernon's Texas Civil Statutes.

Sec. 3. The State Soil and Water Conservation Board is hereby authorized to construct, improve, maintain and operate such structures and facilities either individually or jointly with the United States or any of its agencies, the State of Texas or any of its agencies, political subdivisions of the State of Texas, and any other organizations or individuals for the conservation, development, and utilization of the soil and water conservation resources as defined in Article 165a-4, "State Soil Conservation Law," Vernon's Texas Civil Statutes.

Sec. 4. The State Soil and Water Conservation Board is hereby authorized to take over by purchase, lease, or otherwise,

and to administer any project established for the purpose of conserving, developing and utilizing the soil and water conservation resources as defined in Article 165a-4, "State Soil Conservation Law," Vernon's Texas Civil Statutes, in the State undertaken by the United States or any of its agencies, the State of Texas and any of its agencies and political subdivisions; to manage, as agent of the United States and any of its agencies; or of this state and any of its agencies or political subdivisions, any project or program in furthering the objectives and purposes of this Act.

Sec. 5. The State Soil and Water Conservation Board is hereby authorized to acquire property both real and personal by purchase, lease, gift, grant, bequest, devise, or otherwise, and may dispose of any of its property or interests therein in furtherance of the purposes and provisions of this Act.

Sec. 6. The State Soil and Water Conservation Board may enact and promulgate such rules and regulations as it deems necessary for the performance of functions under the provisions of this Act and other soil conservation laws of Texas.

Sec. 7. All funds received from the federal government or any other source which come within the scope of this Act shall be deposited with the state treasurer in a special trust fund which shall be known as the "Soil and Water Conservation and Development Fund." The "Soil and Water Conservation and Development Fund" shall not be a part of the state treasury. The treasurer of the State of Texas shall be the custodian of the "Soil and Water Conservation and Development Fund" and all payments from said fund shall be made by him on warrants drawn by the state comptroller of

public accounts supported only upon vouchers signed by the executive director or other designated person or persons of the State Soil and Water Conservation Board. A duly attested copy of a resolution of the State Soil and Water Conservation Board designating such person or persons shall be filed with the state comptroller of public accounts as his authority for issuing such warrants.

Sec. 8. The State Soil and Water Conservation Board is authorized to use appropriations for administrative costs and the operation of programs established under this Act or as it may be hereafter amended, including but not limited to the payment of salaries, travel expense, rent, bond premiums, postage, telephone and telegraph, freight, express, stationery, printed forms, office supplies, equipment, repairs, maintenance and contingent expense.

Sec. 9. All laws or parts of laws in conflict with this Act are hereby repealed to the extent of such conflict only.

Sec. 10. If any section, subsection, paragraph, sentence, clause, phrase, or word in this Act, or application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining portions of this Act, and the Legislature hereby declares it would have passed such remaining portions despite such invalidity.

Sec. 11. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule

H.B. No. 172

requiring bills to be read on three several days in each house be
suspended, and this Rule is hereby suspended.

Austin, Texas

May 10, 19 67

Hon. Preston Smith
President of the Senate

Sir:

We, your Committee on Water and Conservation,
to which was referred H B. No. 172, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass _____ and be _____ printed.


Parkhouse

Chairman

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H.B. No. 172

AN ACT

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conservation resources as defined in Article 165a-4, "State Soil Conservation Law," Vernon's Texas Civil Statutes. Such projects or programs shall include but not be limited to the projects and programs sponsored or directed by the various soil and water conservation districts and other political subdivisions and agencies of the State of Texas; and agencies of the federal government.

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Sec. 4. The State Soil and Water Conservation Board is hereby authorized to take over by purchase, lease, or otherwise,

and to administer any project established for the purpose of conserving, developing and utilizing the soil and water conservation resources as defined in Article 165a-4, "State Soil Conservation Law," Vernon's Texas Civil Statutes, in the State undertaken by the United States or any of its agencies, the State of Texas and any of its agencies and political subdivisions; to manage, as agent of the United States and any of its agencies; or of this state and any of its agencies or political subdivisions, any project or program in furthering the objectives and purposes of this Act.

Sec. 5. The State Soil and Water Conservation Board is hereby authorized to acquire property both real and personal by purchase, lease, gift, grant, bequest, devise, or otherwise, and may dispose of any of its property or interests therein in furtherance of the purposes and provisions of this Act.

Sec. 6. The State Soil and Water Conservation Board may enact and promulgate such rules and regulations as it deems necessary for the performance of functions under the provisions of this Act and other soil conservation laws of Texas.

Sec. 7. All funds received from the federal government or any other source which come within the scope of this Act shall be deposited with the state treasurer in a special trust fund which shall be known as the "Soil and Water Conservation and Development Fund." The "Soil and Water Conservation and Development Fund" shall not be a part of the state treasury. The treasurer of the State of Texas shall be the custodian of the "Soil and Water Conservation and Development Fund" and all payments from said fund shall be made by him on warrants drawn by the state comptroller of

public accounts supported only upon vouchers signed by the executive director or other designated person or persons of the State Soil and Water Conservation Board. A duly attested copy of a resolution of the State Soil and Water Conservation Board designating such person or persons shall be filed with the state comptroller of public accounts as his authority for issuing such warrants.

Sec. 8. The State Soil and Water Conservation Board is authorized to use appropriations for administrative costs and the operation of programs established under this Act or as it may be hereafter amended, including but not limited to the payment of salaries, travel expense, rent, bond premiums, postage, telephone and telegraph, freight, express, stationery, printed forms, office supplies, equipment, repairs, maintenance and contingent expense.

Sec. 9. All laws or parts of laws in conflict with this Act are hereby repealed to the extent of such conflict only.

Sec. 10. If any section, subsection, paragraph, sentence, clause, phrase, or word in this Act, or application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining portions of this Act, and the Legislature hereby declares it would have passed such remaining portions despite such invalidity.

Sec. 11. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule

H.B. No. 172

requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended.

Lieutenant Governor
President of the Senate

Speaker of the House

I hereby certify that H.B. No. 172 was passed by the House on April 12, 1967, by a non-record vote.

Chief Clerk of the House

I hereby certify that H.B. No. 172 was passed by the Senate on May 17, 1967, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED:

6/18/67

Date

Wetzel

Governor

9:45 pm

John L. Hill

PROCLAMATION

BY THE

Governor of the State of Texas

41-1151

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I disapprove and am vetoing House Bill No. 172. The bill expands and grants additional powers to the State Soil and Water Conservation Board. It does this, however, in a statute separate from our existing soil and water statutes. It does not amend our present law, but will repeal any of our present law that is determined to be in conflict with this bill. Unfortunately this determination must finally be made by the courts of the State. This process is unnecessary if the present law is specifically amended.

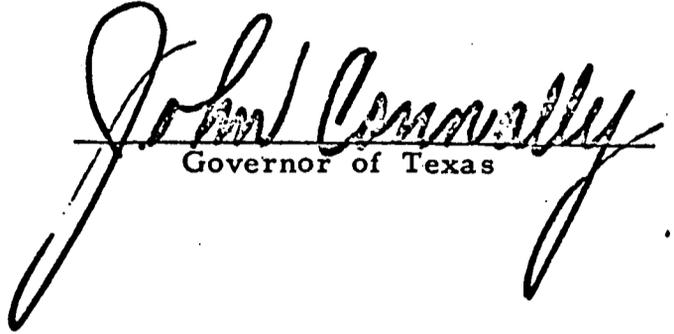
Because of the procedure followed in drafting this bill, the following objections are raised:

1. Section 9 would have the effect of repealing those provisions of Title 128, Revised Statutes of Texas, 1925, as amended, which provide for State water regulation.
2. The bill has the effect of releasing the State Soil and Water Conservation Board from overall coordinated water planning for the State of Texas.
3. The bill provides for the creation of a special fund which is not to be a part of the State Treasury and it provides that payments from such fund shall be supported only upon vouchers signed by the Executive Director or other designated person of the State Soil and Water Conservation Board.

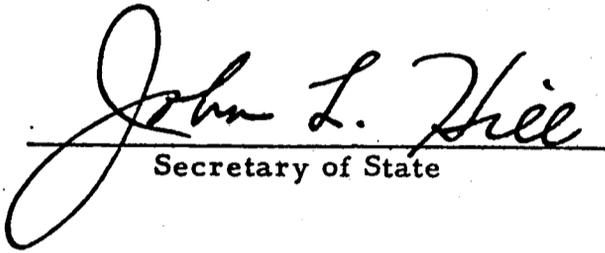
Though there are some meritorious provisions in House Bill 172, I find that I am unable to approve it because of the objections set out above.

House Bill No. 172 was received in the Governor's Office on May 23, 1967, less than 10 days prior to the adjournment of the Regular Session of the 60th Legislature, and in accordance with Article IV, Section 14 of the Constitution of Texas, the Bill, together with this Proclamation, is filed with the Secretary of State.

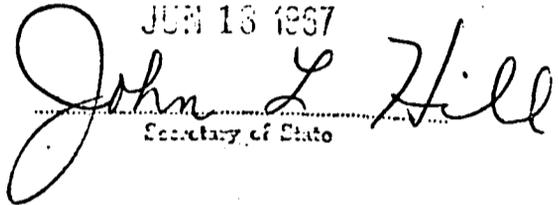
IN TESTIMONY WHEREOF, I
have hereunto signed my name
officially and caused the seal of
State to be affixed hereto at
Austin this 12th day of June, 1967.


Governor of Texas

By the Governor:


Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:45 p.m. O'CLOCK

JUN 18 1967

Secretary of State

H.B. No. 172 By Clayton
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FILED JAN 24 1967

JAN 26 1967 READ 1ST TIME
AND REFERRED TO COMMITTEE ON
State Affairs

APR 12 1967 READ SECOND

TIME Amended AND

ORDERED _____ ENGROSSED, by
Non-record Vote

Dorothy Hallman

Chief Clerk, House of Representatives

MAR 21 1967 REPORTED FAVORABLY SENT TO PRINTER AS AMENDED

PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

RULES 3:00 P.M.
(Time)

MAR 21 1967

(Date)



APR 12 1967 Constitutional
Rule requiring bills to be read on
three several days suspended by
A four-fifths vote.
Yeas 144 Nays 3

Dorothy Hallman

Chief Clerk, House of Representatives



(Over)

MAY 17 1967

RETURNED FROM SENATE

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 17 1967

SENT TO ENROLLING CLERK